

Amendment No. 2 to SB2556

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 2556

House Bill No. 2439*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection (g):

(1) It is deemed to be material noncompliance and default by the tenant with the rental agreement, if the tenant pretends to have a disability-related need for an assistance animal in order to obtain an exception to a provision in a rental agreement that prohibits pets or establishes limits on the types of pets that tenants may possess on residential rental property. As used in this subsection (g), "assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one (1) or more identified symptoms or effects of a person's disability.

(2) The landlord may recover damages and obtain injunctive relief for any noncompliance and default by the tenant with the rental agreement under this subsection (g). The landlord may recover reasonable attorney's fees for breach of contract and nonpayment of rent as provided in the rental agreement.

(3) A provision in a rental agreement that authorizes a landlord to hold a tenant in breach or default of the rental agreement in accordance with this subsection (g) is not unconscionable and is fully enforceable.

SECTION 2. Tennessee Code Annotated, Section 66-28-505, is amended by adding the following new subsection:

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(f) It is deemed to be material noncompliance by the tenant with the rental agreement, if the tenant pretends to have a disability-related need for an assistance animal in order to obtain an exception to a provision in a rental agreement that prohibits pets or establishes limits on the types of pets that tenants may possess on residential rental property. As used in this subsection (f), "assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one (1) or more identified symptoms or effects of a person's disability.

SECTION 3. Tennessee Code Annotated, Section 66-28-204, is amended by adding the following as a new subsection:

() A provision in a rental agreement that authorizes a landlord to hold a tenant in breach of the rental agreement in accordance with § 66-28-505(f) is not unconscionable and is fully enforceable.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to any rental agreement entered into or renewed on or after that date.